

1 UNITED STATES DISTRICT COURT

2 Northern District of California

3

4 KINGSWY TECHNOLOGIES

5 Plaintiff(s),

v.

No. C 09-02694 MEJ

6 AMERICAS SERVICING CO

7 Defendant(s).

8 \_\_\_\_\_ /

9

10 **ORDER DIRECTING PARTIES TO  
FILE CONSENT/DECLINATION  
FORM**

11 Pending before the Court is Defendant's Motion to Dismiss. Upon review of the record in  
12 this action, the Court notes that the parties have not filed written consents to Magistrate Judge  
13 James' jurisdiction. This civil case was randomly assigned to Magistrate Judge James for all  
14 purposes including trial. In accordance with Title 28, U.S.C. § 636(c), the magistrate judges of this  
15 district court are designated to conduct any and all proceedings in a civil case, including trial and  
16 entry of final judgment, upon the consent of the parties. An appeal from a judgment entered by  
17 Magistrate Judge James may be taken directly to the United States Court of Appeals for the Ninth  
18 Circuit in the same manner as an appeal from any other judgment of a district court.

19 You have the right to have your case assigned to a United States District Judge for trial and  
20 disposition. Accordingly, the parties shall inform the court, by way of the enclosed form (or the  
21 form on the Court's website), whether they consent to Magistrate Judge James' jurisdiction or  
22 request reassignment to a United States District Judge for trial. The parties shall inform the Court of  
their decision by July 16, 2009.

23 **IT IS SO ORDERED.**

24

25 Dated: June 25, 2009

26   
Maria-Elena James  
27 United States Magistrate Judge

28

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KINGSWY TECHNOLOGIES

No. C 09-02694 MEJ

**Plaintiff(s),**

## **CONSENT TO ASSIGNMENT OR REQUEST FOR REASSIGNMENT**

VS.

## AMERICAS SERVICING CO

Defendant(s).

**CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 18 U.S.C. § 636(c), the undersigned party hereby consents to have a United States Magistrate Judge conduct any and all further proceedings in this case, including trial, and order the entry of final judgment, and voluntarily waives the right to proceed before a United States District Judge.

Dated: \_\_\_\_\_

Signed by: \_\_\_\_\_

Counsel for:

**REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: \_\_\_\_\_

Signed by: \_\_\_\_\_

Counsel for: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

KINGSWY TECHNOLOGIES et al.

Case Number: CV09-02694 MEJ

Plaintiff,

## **CERTIFICATE OF SERVICE**

V.

## AMERICAS SERVICING CO et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 25, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kingsway Technologies, LLC  
2111 University Avenue  
Suite #C  
East Palo Alto, CA 94303

Dated: June 25, 2009

Richard W. Wieking, Clerk  
By: Brenda Tolbert, Deputy Clerk